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| 10/035,681      | 11/09/2001  | Herve Ohmer          | 19.0249 CIP1        | 4976             |

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EXAMINER

KRECK, JOHN J

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/035,681

Applicant(s)

OHMER ET AL.

Examiner

John Kreck

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-27 and 29-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-8, 10-27, and 29-33 in Paper No. 10 is acknowledged.

### ***Drawings***

2. The drawings are objected to because they include errors in the cross sections. The drawings should be corrected in the same manner as the parent application. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1,7,8,10,11,15-20,27,29,30,32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardes (U.S. Patent number 5,680,901).

Art Unit: 3673

Gardes shows the junction assembly including a template(10); connector(70); and plural flow paths (through 70, and near 40) as called for in claim 1.

Gardes also shows the separate conduits as called for in claim 7.

Gardes also shows the isolated conduits as called for in claim 8.

Gardes also shows the flow path below the junction as called for in claim 10.

Gardes also shows the annular path (see figure 6) as called for in claim 11.

Gardes also shows the plural conduits as called for in claim 15.

Regarding independent claim 16:

Gardes teaches the method steps of installing a template; sealingly engaging a connector; providing a portion of the connector; and providing plural flow paths as called for in claim 16.

Gardes also shows the flowpath as called for in claim 17.

Gardes also shows the plural conduits as called for in claim 18.

Gardes also teaches the engaging as called for in claim 19 (see figure 2).

Gardes also shows the conduit and teaches the connection assembly below (see figure 5) as called for in claim 20.

Gardes also shows the flow conduit as called for in claim 27.

Regarding independent claim 29:

Gardes shows the junction assembly including a template(10); connector(70); and first and second flow paths (through 70, and near 40) as called for in claim 29.

Art Unit: 3673

Gardes also shows the flow path below the junction as called for in claim 30.

Gardes also shows the flow conduit as called for in claim 32.

Regarding independent claim 33:

Gardes shows the first part (74) second part (70) and plural flow paths as called for in claim 33.

4. Claims 1-3, 16, 22, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kennedy (U.S. Patent number 5,411,082).

Kennedy shows the junction assembly including a template(10); connector(70); and plural flow paths (through 70, and near 40) as called for in claim 1.

Kennedy also shows the flow control assembly (see figs 25-26) as called for in claim 2.

Kennedy also shows the y-shaped device as called for in claim 3.

Regarding independent claim 16:

Kennedy teaches the method steps of installing a template; sealingly engaging a connector; providing a portion of the connector; and providing plural flow paths as called for in claim 16.

Kennedy also teaches the flow control as called for in claim 22.

Kennedy also shows the y-shaped device as called for in claim 26.

5. Claims 1, 2, 4-8, 10, 12-25, 27, and 29-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Malone, et al. (U.S. Patent number 5,941,308).

Malone shows the junction assembly including a template; connector(77); and plural flow paths as called for in claim 1.

Malone also shows the flow control assembly (53) as called for in claim 2.

Malone also shows the valves (53) as called for in claim 4.

Malone also shows the independently controlled valves as called for in claim 5.

Malone also shows the remotely operable valves (53) as called for in claim 6.

Malone also shows the separate conduits as called for in claim 7.

Malone also shows the isolate conduits as called for in claim 8.

Malone also shows the flow path below the junction as called for in claim 10.

Malone also shows the assembly below the junction as called for in claim 12.

Malone also shows the conduit and seal as called for in claim 13.

Malone also shows the seal as called for in claim 14.

Malone also shows the plural conduits as called for in claim 15.

Regarding independent claim 16:

Malone teaches the method steps of installing a template; sealingly engaging a connector; providing a portion of the connector; and providing plural flow paths as called for in claim 16.

Malone also shows the flowpath as called for in claim 17.

Art Unit: 3673

Malone also shows the plural conduits as called for in claim 18.

Malone also teaches the engaging as called for in claim 19 .

Malone also shows the conduit and teaches the connection assembly as called for in claim 20.

Malone also teaches the sealingly engaging as called for in claim 21.

Malone also shows the plural flow conduits and flow control as called for in claim 22.

Malone also shows the actuating valves as called for in claim 23.

Malone also shows the independently actuating valves as called for in claim 24.

Malone also shows the remotely actuating as called for in claim 25.

Malone also shows the flow conduit as called for in claim 27.

Regarding independent claim 29:

Malone shows the junction assembly including a template; connector; and first and second flow paths as called for in claim 29.

Malone also shows the flow path below the junction as called for in claim 30.

Malone also shows the flow control system as called for in claim 31.

Malone also shows the flow conduit as called for in claim 32.

Regarding independent claim 33:

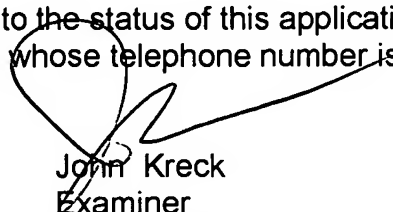
Malone shows the first part(77) second part (30) and plural flow paths as called for in claim 33.

Art Unit: 3673

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kreck whose telephone number is (703)308-2725. The examiner can normally be reached on M-F 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703)308-2978. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-4177.



John Kreck  
Examiner  
Art Unit 3673

JJK  
August 9, 2003